

Date: January 4, 2019

To: Chairman Clarke and Hualapai Tribal Council

From: Alex Cabillo, Water Resource Manager
Hualapai Department of Natural Resources

Re: AZ wanting to assume the Clean Water Act 404 Authority from EPA and the Army Corps of Engineers.

On January 15, 2019 ADEQ is inviting AZ Tribes to participate in a CWA 404 Assumption Tribal workgroup; at 10:00 A.M. at the ADEQ office. In addition to in person participation they are offering Webinar teleconferencing. I and my Assistant Manager will be participating through the web teleconferencing. I talked with our Cultural Resource Director who will be participating in person.

As the Water Resource Manager for the Hualapai Tribe, I am in opposition of the state of AZ, assuming the CWA 404 Authority from U.S. EPA and the Army Corps of Engineers for the following reasons:

- The state of AZ postures and invites new industries to relocate their businesses to the state, while internally we have to actively manage ground water resources that are insufficient in providing for all the needs of the Metropolitan areas of AZ.
- AZ aquifer protection permits are inadequate in protecting some ground water aquifers in the state; for example: The Bagdad Copper Mine, owned by Freeport McMoran has aquifer protection permits that they have to comply with, that protect the aquifers under the mine property. A vital water source to the mine operations is the Big Sandy Aquifer, where the mine have several ground water wells established that pump water from the Big Sandy watershed over the mountain range to their Bagdad Copper Mine operations. The inadequacy of the state is that there is no aquifer protection permit for the Big Sandy Aquifer, as the mine pumps mass volumes of water to their mine operations daily.
- The state of AZ raves on their recognition and respect of the sovereignty of the many Tribes in the state of AZ, on one hand. While in water right negotiations with tribes in the state of AZ. The state insists on concessions that are a blatant disregard for tribal sovereignty. Language in negotiation of water rights; that the state offers tribes, access to ground water under tribal land. Where in fact, the water under tribal lands is already the tribes natural resource. Other concessions are that tribes can no longer place lands into trust through the Bureau of Indian Affairs, but rather petition congress for the right to place property into trust. In negotiations, the state insists that tribes relinquish any opposition to any and all off reservation ground water well developments.
- The state of AZ is supportive of Mining operations in the state of AZ and encourages more mining development in the state. While, is commonly known that in the copper mining industry there is a need for vast amounts of ground water in the processing of the copper ore, that once used cannot be discharged because of contamination and requires the same vast volume of fresh water daily in their mining operations. There are no records or monitoring of the volumes of fresh water used by mining operations daily by the state.
- The states disregard for the protection of ground water for current and future generations is a vital flaw in governmental administration and I would urge all other tribes in the state of AZ to oppose the CWA 404 Authority Assumption by the state. Because of their disregard for the vital ground water resources of the state, and its consumptive value and lack of protection of the environment.